

Planning and EP Committee 8 July 2014

Application Ref: 13/01562/WCMM

Proposal: Non-compliance of C2 and C4 of planning permission 08/01032/WCMM - To amend the approved plans and continue landfill operations until 31 December 2019

Site: Dogsthorpe Landfill Site, Welland Road, Dogsthorpe, Peterborough

Applicant: Mr Mat Nicholson
FCC Environment

Agent:

Referred by: Director of Growth and Regeneration

Reason: EIA development

Site visit: 09.09.2013

Case officer: Mr A O Jones

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Recommendation: **GRANT** subject to the signing of a **LEGAL AGREEMENT** and relevant conditions

1 **Description of the site and surroundings and Summary of the proposal**

Site Description

Dogsthorpe landfill site is situated at the north east urban edge of Peterborough. It is bounded by the A47 to the north, Welland Road to the northwest, the A15 to the west / southwest and the A1139 to the east. A small cluster of waste and industrial sites are based at the west / northwest of the site, all using the same access from Welland Road. Peterborough Garden Park lies immediately to the south.

Proposal

FCC Environment (FCC) are seeking to vary conditions 2 and 4 of planning permission 08/01032/WCMM to amend the approved plans and continue landfill operations from 31 December 2013 until 31 December 2018, with final restoration of the site to be complete by 31 December 2019. Amendments to the final restoration scheme include the removal of (unimplemented) leachate treatment lagoons, agriculture including biomass cropping and to provide areas of ecological enhancement. The proposal also includes amendments to the approved phasing of the site, resulting in phases being completed in numerical order; this entails completion of landfilling along the northern flank of the site prior to any further works on the southern flank, as opposed to the general east – west direction of filling. Details have also been provided to discharge planning conditions 8 and 21 (aftercare and ecological management) of planning permission 08/01032/WCMM.

The proposal is EIA development, under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and is accompanied by an Environmental Statement.

2 Planning History

Reference	Proposal	Decision	Date
12/01236/MMFUL	Removal of existing structures and development and operation of a materials recovery and recycling facility, comprising a relocated household waste recycling centre, a materials recycling facility, an anaerobic digestion facility and ancillary development including offices/welfare/education centre, operatives car park, weighbridge, commercial vehicle park and surface water attenuation lagoon	Permitted	25/03/2013
13/01541/FUL	The erection, 25 year operation and subsequent decommissioning of a single wind turbine (including micro-siting) with a maximum overall tip height of 90m, with associated infrastructure including turbine transformer, hardstanding, control building and cabling	Pending Consideration	
12/01797/MMFUL	Installation of a new Leachate Storage tank	Permitted	15/02/2013
08/01032/WCMM	Non - compliance of C2, 7, 8 and 17 of planning permission 06/00316/WCMM	Permitted	15/12/2008
08/01033/MMFUL	Installation of lagoon-based leachate treatment system	Permitted	12/12/2008
06/00316/WCMM	Modification to approved scheme for refilling and restoration at Dogsthorpe landfill site	Permitted	29/07/2008
97/P0085	Application for the determination of new conditions for extraction of clay and restoration to agricultural use by landfill	Permitted	25/04/1997

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 13 - Economic Benefit

Great weight to the benefits of the mineral extraction, including to the economy. Non energy minerals should be provided for outside of Scheduled Monuments and Conservation Areas where practicable.

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

MW02 - Strategic Vision and Objectives for Sustainable Waste Management Development

Growth will be supported by a network of waste management facilities which will deliver sustainable waste management. The facilities will be 'new generation' which will achieve higher levels of waste recovery and recycling in line with relevant targets. They will also be of high quality design and operation, contributing towards addressing climate change and minimising impacts on communities in Cambridgeshire and Peterborough. There will be a network of stand alone facilities but also co-located facilities in modern waste management 'eco-parks'. The network will manage a wide range of wastes from the plan area, contributing to self sufficiency but also accommodating

the apportioned waste residues from London or authorities in the East of England. Any long distance movement of waste should be through sustainable transport means - such facilities will be safeguarded via Transport Zones. A flexible approach regarding different types of suitable waste technology on different sites will be taken and Waste Consultation Areas and Waste Water Treatment Works Safeguarding Areas will be designated to safeguard waste management sites from incompatible development. A proactive approach to sustainable construction and recycling will be taken and strategic developments will need to facilitate temporary waste facilities to maximise the reuse, recovery and recycling of inert and sustainable construction waste throughout the development period. Where inert waste cannot be recycled it will be used in a positive manner to restore sites. The natural and built historic environment will continue to be protected with an increased emphasis on operational practices which contribute towards climate change and minimise the impact of such development on local communities. (Policy CS2 sets out a list of strategic objectives to support this vision; those of relevance will be discussed in the body of the report).

MW21 - Non-hazardous Landfill

Planning permission for additional non-hazardous landfill will not be granted unless one or more of the listed criteria is demonstrated.

MW24 - Design of Sustainable Minerals and Waste Management Facilities

All proposals for minerals and waste management development must achieve a high standard in design and environmental mitigation. Waste Management proposals must be consistent with guidance set out in The Location and Design of Waste Management Facilities SPD.

MW25 - Restoration and Aftercare of Mineral and Waste Management Sites

Minerals workings and waste management sites will be restored to a beneficial afteruse with aftercare arrangements. Restoration proposals will be considered on a site by site basis but must meet the criteria set out in the policy.

MW30 - Waste Consultation Areas

Waste Consultation Areas will be identified through the Core Strategy and Site Specific Proposals Plan and development will only be permitted in these areas where it is demonstrated it will not prejudice future or existing planned waste management operations.

MW32 - Traffic and Highways

Minerals and Waste development will only be permitted where it meets the criteria set out in this policy.

MW33 - Protection of Landscape Character

Minerals and Waste development will only be permitted where it can be assimilated into the local landscape character in accordance with the Cambridgeshire Landscape Guidelines, local Landscape Character Assessments and related SPDs.

MW34 - Protecting Surrounding Uses

Mineral and waste management development will only be permitted where it can be demonstrated (with mitigation where necessary) there is no significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss of residential/other amenity.

MW35 - Biodiversity and Geodiversity

Mineral and waste management development will only be permitted where there will likely be no significant adverse affect on local nature conservation or geological interest. Where it is demonstrated there are overriding benefits to the development compensation and/or mitigation measures must be put in place. Proposals for new habitat creation must have regard to the Peterborough Biodiversity Action Plan and supporting Habitat and Species Action Plans.

MW39 - Water Resources and Water Pollution Prevention

Mineral and waste management development will only be permitted where it is demonstrated there is no significant adverse impact or risk to;

- a. Quantity or quality of groundwater/water resources
- b. Quantity or quality of water enjoyed by current abstractors unless alternative provision is made
- c. Flow of groundwater in or near the site

Adequate water pollution control measures will need to be incorporated.

Cambridgeshire and Peterborough Minerals and Waste Development Plan Site Specific Proposals DPD 2012

The site is identified as an existing waste management facility and is within a Waste Consultation Area (W8Q).

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

Community Infrastructure Levy (CIL) Regulations 2010 Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations:

Requests for planning obligations whether CIL is in place or not, are only lawful where they meet the following tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

4 Consultations/Representations

Pollution Team (31.01.14)

No objections subject to the imposition of conditions to control noise emissions.

Landscape Architect (Enterprise) (14.11.13)

No objections, subject to ensuring woodland planting takes place at the end of the 5 year settlement period. The "Revised Restoration Plan (with MRRF Development)" demonstrates how the permitted 'MRRF Development' will be incorporated into the final restoration scheme.

Archaeological Officer (18.03.14)

No objections.

Drainage Team (25.03.14)

No objections. No further comments on additional information.

Transport & Engineering Services (27.03.14)

No objections, as there shall be no increase in operational traffic movements to and from the site.

Wildlife Officer (24.03.14)

No objections in principle to the extension of time. The details relating to the water profiles and depths are acceptable. Wildflower margins to the agricultural grassland, and the use of wildflower seedmix around the lagoons are welcomed.

There is no justification for the departure from the previously approved grassland / wild flower mix for the inferior mix proposed for agricultural grassland areas and in the vicinity of the surface water management pond. The applicant is requested to provide details to demonstrate any net gains or losses in Priority Habitats that may be achieved through this restoration proposal.

Environment Agency (20.03.14)

No objections, as the surface water attenuation details are now acceptable. The applicant is advised that prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 9 metres of the top of the bank/foreshore of the Car Dyke - Flood Defence Consent may also be required.

Natural England - Consultation Service (19.03.14)

No objections. The proposal is unlikely to have an adverse effect on designated sites including Dogsthorpe Star Pit SSSI. NE is satisfied with the details provided in the Revised Restoration Plan and Restoration Aftercare Management Plan.

Local Residents/Interested Parties

Initial consultations: 245

Total number of responses: 4

Total number of objections: 2

Total number in support: 2

One comment was in support of the proposals, and another showed understanding and appreciation for the reasons for the application and did not believe that occupiers within the vicinity will be affected. Two objections were received, which highlighted negative amenity impacts such as unpleasant odour, birds and noise (from the bird scarer), the site should already be completed and that incineration was a better idea than landfilling, that Welland Road was increasingly used as a 'rat-run' and that the 'Environment City' does not give sufficient concern to the residents environment.

5 Assessment of the planning issues

The main considerations are;

- Extension of time for landfilling
- Site restoration details
- Landscaping and Aftercare
- Review of conditions

Extension of time for landfilling

The site benefits from a Waste Consultation Area (WCA) designation (policy CS30 - Cambridgeshire and Peterborough Minerals and Waste Core Strategy, hereafter, the 'Core

Strategy'), as set out in the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD, policy SSPW8, W8Q. WCA's have been identified around waste management facilities that make a significant contribution in managing waste in Cambridgeshire and Peterborough. WCA's serve a number of purposes, ensuring that adjacent neighbouring new development is appropriate and will not prejudice the waste management use.

Dogsthorpe Landfill makes a significant contribution to waste management within Peterborough, and continues to provide landfill capacity whilst alternative facilities for recycling and recovery become operational. There is also a need to achieve an appropriate final restoration profile of the landfill in accordance with obligations under the Environmental Permit, and landscape considerations previously assessed and approved. The requirement for an extension of time to fill the previously consented voidspace is primarily due to a decline in the volume of waste being disposed of via landfill, as a result of environmental and waste policy and legislation which seeks to encourage recycling, recovery and diversion away from landfill in accordance with the waste hierarchy.

As an extension of time application the proposal does not represent an application for additional non-hazardous landfill capacity, and is not required to be assessed against Core Strategy policy CS21.

The amendments to the proposed phasing enable the site to be worked in a more logical manner and do not represent any additional landfilling to that previously consented.

The slowdown in the rate of landfill imported to the site has resulted in a significantly lower than expected number of traffic movements, and whilst a representation has been received expressing concern at the use of Welland Road as a 'rat -run' this cannot be attributed to traffic associated with the site. The proposal represents an increase in the time period over which traffic will visit the site at lower levels than has previously occurred, and is therefore in accordance with Core Strategy policy CS32. Additionally, planning obligations will ensure that the majority of the waste imported into the site comes from a local area representing a continuation of the previously consented requirements.

A representation expressing support for the application has been received, and the Dogsthorpe Landfill Liaison Committee have expressed an understanding and appreciation of why the application is necessary.

Site Restoration details

The previously approved restoration plan for the site made provision for leachate treatment lagoons to potentially be included within the design. Onsite leachate treatment has not been implemented and there is no requirement for the treatment lagoons. Since the previous permission was granted an additional leachate tank has been permitted at the site, enabling leachate to be tankered off site for treatment. Further substantial changes reflect a greater awareness of the agricultural afteruse of the site, and areas for biomass planting have been identified. Biomass will be used in the Anaerobic Digester (permission ref. 12/01236/MMFUL), should this be implemented, or exported off site. The restoration design is to a high standard and the proposed beneficial afteruses will help to mitigate environmental impacts including climate change and the proposal therefore accords with Core Strategy policies CS24 and CS25.

Landscaping and Aftercare

The proposed restoration landform is unchanged from that previously approved (apart from the removal of the leachate treatment lagoons) and there is no need to reassess the form and height of the final restoration levels, which can be assimilated into the surroundings in accordance with Core Strategy policy CS33.

A detailed landscaping and aftercare management plan has been submitted to discharge Conditions 8 and 21 of permission ref. 08/01032/WCMM. The plan represents an acceptable combination of agricultural and biodiversity enhancement afteruse, with woodland, hedgerow and

wildflower planting throughout the site, with a dedicated biodiversity enhancement area at the eastern end around the lagoon. The proposal has been modified in light of comments from the Wildlife Officer to incorporate a greater proportion of wildflower planting and is in accordance with Core Strategy policy CS35.

Specific landscaping and aftercare details for the southern screening bund have not yet been fully implemented and so the previously approved plan (and accompanying letter) including the specific details for this area, will be re-imposed.

Review of conditions

Planning permission, if granted as recommended would represent an entirely new permission and so the conditions must be reviewed to ensure they are still necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects. As such, the conditions have been extensively reviewed, amended and updated, resulting in different ordering and numbering, whilst ensuring appropriate control has been retained and to ensure the proposal is in accordance with Core Strategy policy CS34. Furthermore, issues such as birds and odour are subject to environmental permitting. The Environment Agency requested further clarification regarding the drainage capabilities and requirements of the restored landfill profile, which were provided and demonstrated the proposal to be in compliance with Core Strategy policy CS39.

6 Conclusions

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision taking this means approving development proposals that accord with the development plan without delay.

The proposal ensures the previously consented non-hazardous void space at Dogsthorpe landfill can continue to function as an important waste management facility within the Peterborough area whilst working towards an appropriately controlled restoration form.

The environmental impacts of the proposal can be safely controlled by condition and will also be subject of environmental permitting regulations. An extension of time will help enable the appropriate restoration of the site from both a visual and environmental perspective, providing an appropriate waste disposal facility whilst other facilities to help move waste up the waste hierarchy become operational. The submitted details in respect of Conditions 8 and 21 of planning permission are appropriate and can be imposed by condition. The proposal therefore accords with policies CS2, CS21, CS24, CS25, CS30, CS32, CS33, CS34, CS35 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP W8 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD and policy PP1 of the Peterborough Planning Policies DPD. There is no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

7 Recommendation

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to the following conditions:

- C 1 The development shall be carried out in complete accordance with the following submitted documents and plan:
- Application form dated 22/10/2013
 - Environmental Statement dated October 2013
 - Supporting statement dated October 2013

- Site Location Plan (ref. 468T002A) dated 23/12/2004
- Planning Boundary Plan, drawing reference 468A239 dated 18th June 2014
- Proposed Pre-Settlement Restoration Contours and Phasing, drawing ref. 468A110D dated 17 Jan 2014
- Proposed Post-Settlement Restoration Contours, drawing ref. DG627-D13A Figure 3A dated Jan 06
- Interim Restoration Plan, drawing ref. 468R233 dated 7 March 2014.
- Final Restoration Plan, drawing ref. 468R234 dated 7 March 2014.
- Revised Restoration Plan (with MRRF Development), drawing ref. 468R217A dated 11 September 2013.
- Southern Screening Bund Landscaping Details, drawing ref. DG627-D14 version 4, dated April 2007
- Cross Section of Eastern Lagoon (North-South and East-West), drawing ref. 468A231 dated 21.02.14.
- Letter from Sarah Henderson dated 23rd December 2013
- Letter from Sarah Henderson dated 26th February 2014
- Letter from Sarah Henderson dated 13th March 2014
- Letter from Sarah Henderson dated 19th June 2014
- Restoration Aftercare Management Plan, Version 3, dated 12 June 2014
- Letters from Jonathan Standen, RPS, dated 18 September 2006 and 5 March 2007
- Letter from N.C. Baston, Estates Manager, Waste Recycling Group (ref. NCB/07130/smd) dated 26 April 2007

the details of which are approved except as amended by the following conditions.

Reason: For the avoidance of doubt and to enable the Mineral Planning Authority to adequately control the development to minimise the impact on the amenities of the local area in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS2 and CS34.

- C 2 The deposit of waste shall cease not later than 31 December 2018. Plant, machinery and buildings not required for the operation of the landfill gas power station shall be removed by 30 June 2019 and the site shall be fully restored to an agricultural and nature conservation afteruse by 31 December 2019.

Reason: To minimise the duration of the adverse visual impact and disturbance hereby permitted in the interests of the amenity of the local area in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS25 and CS34.

- C 3 The applicant shall give at least 7 days notice to the Mineral Planning Authority prior to the commencement of topsoil and subsoil stripping or replacement operations. Soil stripping or replacement shall only be carried out when the full depth of soil to be stripped is in a suitable dry moisture condition and not at all between the months of October and March inclusive.
Soils will be temporarily stocked in accordance with the provisions of the letter from J Standen dated 18th September 2006 as amended by letter from S Henderson dated 19th June 2014. Any such soils shall be seeded during the first available sowing season following their construction with an appropriate seedmix, kept free of weeds and maintained to a good amenity standard until needed for restoration operations.

Reason: To ensure the sustainable use of soils in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS38.

- C 4 The site shall be landfilled by numerical phase order in accordance with;

Proposed Pre-Settlement Restoration Contours, drawing ref. 468A110C dated 17th Jan 2014.

and restored and landscaped progressively in complete accordance with;

Final Restoration Plan, drawing ref. 468R233 dated 7 March 2014,

Southern Screening Bund Landscaping Details, drawing ref. DG627-D14 version 4 dated April 2007,

Letter from N.C. Baston, Estates Manager, Waste Recycling Group (ref. NCB/07130/smd) dated 26 April 2007

Or, in the event of permission 12/01236/MMFUL being implemented, in accordance with; Revised Restoration Plan (with MRRF Development), drawing ref. 468R217A dated 11 September 2011),

Southern Screening Bund Landscaping Details, drawing ref. DG627-D14 version 4, dated April 2007.

Letter from N.C. Baston, Estates Manager, Waste Recycling Group (ref. NCB/07130/smd) dated 26 April 2007

Should for any reason the reclamation of the site cease for a period of 12 months the applicant shall upon written request from the Mineral Planning Authority submit a revised scheme for the restoration of the site within 8 weeks of the request being made. It shall include a schedule of timings, provision and completion of containment works, soiling and restoration in a manner similar to that referred to in these conditions and submitted scheme. All works of restoration shall then be completed within a period of 12 months from the date upon which the scheme is approved by the Mineral Planning Authority.

Reason: To ensure that the site is reclaimed in a condition capable of beneficial use at an early date and in the interest in the amenity of the local area in accordance with Cambridgeshire and Peterborough Core Strategy policies CS25 and CS34.

- C 5 Aftercare and management shall be carried out in complete accordance with the; Southern Screen Bund Landscaping Details drawing (ref. DG627-14 version 4) dated April 2007,
Letter from N.C. Baston, Estates Manager, Waste Recycling Group (ref. NCB/07130/smd) dated 26 April 2007,
Restoration Aftercare Management Plan Version 3, dated 12 June 2014

Reason: To ensure that the reclaimed land is correctly husbanded and to bring the land to an appropriate standard for agriculture and nature conservation after use in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS25.

- C 6 Vehicular access to and from the landfill site shall be by way of the existing site access to Welland Road only as shown on Planning Boundary Plan drawing reference 468A239 dated 18th June 2014.

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS32.

- C 7 No commercial vehicles leaving the site shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the public highway.

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS32.

- C 8 Except in emergencies no operations authorised or required by this permission shall be carried out except between the following times:
0600 hours and 1830 hours Mondays to Saturdays
0800 hours and 1200 hours Sundays, Bank Holidays and Public Holidays

Reason: in the interests of residential amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C 9 A bowser shall be available to dampen internal haul roads and operational areas as necessary during dry conditions in order to prevent the egress of dust from the site.

Reason: In the interests of protecting surrounding uses in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C10 The scheme for the control of noise as outlined in Chapter 9 of the Environmental Statement (dated October 2013) shall be complied with at all times. The level of noise emitted from the development during normal operations and maintenance shall not exceed 55dB expressed as an LAeq, 1hr between 06:00 and 18:30 hours Monday to Saturday and 52dB expressed as an LAeq, 1hr between 08:00 and 12:00 hours Sunday, Public Holidays and at any other time as measured, or assessed on the residential property boundary of the following properties;
67 Peterborough Road, Eye
101 Peterborough Road, Eye
The boundary of the rear gate at the Eastern boundary of the landfill site.
The precise locations shall be chosen and the measurements and assessment made according to BS4142:1997.

Reason: In the interests of protecting surrounding uses in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C11 All buildings or tanks to be used for the storage of fuels, together with ancillary handling equipment including pumps and valves shall be contained within an impervious bunded area of at least 110% of the storage capacity and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls.

Reason: In the interests of the prevention of pollution in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS39.

- C12 All buildings, plant, equipment and hardstandings shall be removed from the site within 12 months of the date on which they cease to be required for the purposes originally permitted, and the areas in question shall be further restored within a period of 6 months from removal in accordance with a scheme to be submitted to and approved in writing by the Mineral Planning Authority.

Reason: In the interests of securing restoration of the site to a beneficial afteruse in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS25.

- C13 Any litter from the site which is deposited beyond the site shall be removed and returned to the landfill site for proper disposal.

Reason: In the interests of the amenity of the local area in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C14 Litter management and Litter fencing or netting shall be erected and maintained in accordance with the details of the Litter Management and Monitoring plan ref. 11EMS-4-13 12-LNF Version 6 dated 14/02/2014.

Reason: The height at which waste is deposited increase the possibility of wind blown litter and adverse impact on the local amenity and environment; litter fencing is therefore required in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

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